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Conference of the States Parties to the United Nations Convention against Corruption

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Implementation Review Group
Sixth session
Vienna, 1-5 June 2015

Draft report

I. Introduction

1. The Implementation Review Group was established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/1, entitled "Review mechanism", as an open-ended intergovernmental group of States parties to operate under its authority and report to it. The Group is to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention.

II. Organization of the meeting

A. Opening of the meeting

2. The Implementation Review Group of the United Nations Convention against Corruption held its sixth session in Vienna from 1 to 5 June 2015.

3. The first to the second, the fourth, the sixth to the eighth and the tenth meetings of the Implementation Review Group were chaired by Paulus Noa (Namibia), and the third, the fifth and the ninth meetings were chaired by Angélica Maytín Justiniani (Panama).

4. In his initial statement, the Secretary of the Conference outlined the most important issues for consideration of the Group in preparation of the 6th session of the Conference of the States parties. One of the key issues at the time of the session was the timing of the launch of the second review cycle. Moreover, in case the 2nd review cycle would be launched at the sixth session of the Conference of States parties and initiate its operations at the 7th session of the Group in June 2016, it was to be determined how to deal with States which would not have finalized their reviews by that date. A further question was how the Group wished to handle the few cases in which States parties had remained or become unresponsive to relevant

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communications by the secretariat. Furthermore, the Secretary of the Conference drew the Group's attention to the draft self-assessment checklist for the second cycle which had been made available to the Group as a conference room paper at its sixth session in all United Nations languages. Further pending issues included when and how to conclude the assessment of performance of the Mechanism, whether to make any adjustments to the Mechanism, and when and how to start collecting and sharing of information on action for the implementation of recommendations made during the first review cycle. Finally, the estimated resource requirements for the functioning of the 2nd cycle were to be discussed.

5. The representative of the European Union spoke on behalf of the European Union, its Member States, and Albania, Armenia, Bosnia and Herzegovina, Iceland, Liechtenstein, Moldova, Montenegro, Norway, the Former Yugoslav Republic of Macedonia, Turkey, Serbia and Ukraine. He highlighted that the EU was continuously streamlining its measures against corruption in its internal and external policies, such as the recently amended procurement rules and new legislation on the freezing, confiscation and recovery of assets. He also mentioned requirements for large companies to disclose information on anti-corruption policies, and the monitoring of relevant activities in the framework of the European Semester of Economic Governance. The speaker highlighted the merits of the Implementation Review Mechanism and referred to its challenges with regard to delays and cost efficiency. He stressed that the second review cycle had to be built on the lessons learnt from the first cycle and confirmed the will of the European Union, its Member States and the countries which associated themselves with the statement to reach improvements through constructive dialogue before and during the 6th session of the Conference. He reiterated the position in favour of a more transparent Review Mechanism in which States can make optimal use of all information, including that from non-governmental organizations. He stressed that the European Union considered that the participation of NGOs in intergovernmental bodies was in full compliance with the Rules of Procedure of the Conference of the States parties.

6. Speaking on behalf of the African Group, the representative of Nigeria highlighted the importance of the Implementation Review Mechanism and the Implementation Review Group as a platform to share experiences and to assist countries in implementing the Convention. The review process played a crucial role in assisting States parties in identifying challenges and good practices, as well as in considering technical assistance requirements. The Group was of the view that the Terms of Reference of the Mechanism, in particular its guiding principles, continued to provide an adequate and appropriate framework. The speaker highlighted the intergovernmental nature of the Mechanism and welcomed the compromise reached in resolution 4/6. Further, the Group considered that the Review Mechanism should be funded from the Regular Budget of the United Nations. The speaker encouraged all States parties to actively participate in the second review cycle, and considered that the review of Chapters II (Preventive measures) and V (Asset recovery) of the Convention would produce tangible and useful results. He expressed satisfaction with the self-assessment checklist used during the first review cycle and held that the same methodology should be applied during the second review cycle. In addition, the speaker called for the full implementation of the resolutions of the Conference on the prevention of corruption and emphasized the importance of asset recovery as a fundamental principle of the Convention. He called upon States to expedite procedures and remove barriers to asset recovery. Furthermore, the speaker

highlighted the importance of international cooperation, including the exchange of information, collection of data, and mutual legal assistance in the fight against corruption.

B. Adoption of the agenda and organization of work

7. On 1 June, the Implementation Review Group adopted the following agenda as amended:

1. Organizational matters:
   (a) Opening of the session;
   (b) Adoption of the agenda and organization of work.
2. Review of implementation of the United Nations Convention against Corruption.
3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
4. Technical assistance.
5. Financial and budgetary matters.
6. Other matters.
7. Provisional agenda for the seventh session of the Implementation Review Group.
8. Adoption of the report of the Implementation Review Group on its sixth session.

C. Attendance

8. The following States parties to the Convention were represented at the meeting of the Implementation Review Group: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Myanmar, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and

Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

9. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

10. In accordance with Rule 1 of resolution 4/5 entitled "Participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group", the Conference decided that States signatories shall be entitled to participate in the Implementation Review Group.

11. The following State signatory to the Convention was represented: Japan.

12. In accordance with Rule 2 of resolution 4/5, the Conference decided that intergovernmental organizations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the United Nations system may be invited to participate in the sessions of the Implementation Review Group.

13. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Council of Europe, International Anti-Corruption Academy, Organization for Security and Co-operation in Europe.

14. The following Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the United Nations system were represented by observers: Beijing Normal University (China).

15. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

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III. Review of implementation of the United Nations Convention against Corruption

A. Progress report

1. The secretariat provided an oral update on the progress made in the country reviews, highlighting that, at the time of reporting, responses to the self-assessment checklist had been provided by 158 States parties under review, 133 direct dialogues had taken place, and 97 executive summaries had been finalized. This showed that substantial progress was being achieved overall for the first cycle of reviews. However, challenges in communication had arisen with several States at various stages of either their own review or the reviews of other States. After sending reminders to this effect, the secretariat brought the matter to the attention of the Group and highlighted the readiness of the Office to provide technical assistance on the different steps of the review, if requested.

B. Outcome of reviews

2. In an opening statement, Mr. Kitti Wasinondh, Member of the National Legislative Assembly of Thailand and Chairman of the ad hoc committee on the Draft Organic Act on Countering Corruption, informed the group about the measures taken by his country to effectively implement the Convention, and in particular about the legislative amendments which were drafted by an ad-hoc committee chaired by him. These amendments included the criminalization of foreign bribery, modifications to the sanctions regime for Convention-related offences, the introduction of value-based confiscation in addition to property-based forfeiture, the amendment of the statute of limitations to suspend it in cases where the alleged offender has evaded the administration of justice, and the establishment

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of liability of legal persons for convention offences. Moreover, the powers and mandate of the National Anti-Corruption Commission are to be extended. A member of the National Anti-Corruption Commission also gave an account of the country's experience as a State party under review and made reference to Thailand's new national anti-corruption strategy.

3. The Minister for Institutional Transparency and Fight against Corruption of the Plurinational State of Bolivia, Ms Lenny Valdivia, underlined that her country had prioritized the fight against corruption. She pointed out areas where progress in implementation had recently been made, including the criminalization of foreign bribery, illicit enrichment, obstruction of justice, as well as the protection of witnesses and whistle-blowers. Moreover, the national asset declaration system had been strengthened with the introduction of a verification mechanism. While underlining the importance of the role of non-governmental organizations in the fight against corruption, she also voiced concern about the rankings produced by some of these organizations and highlighted the principles of the Implementation Review Mechanism as contained in the Terms of Reference of the Mechanism.

4. The secretariat drew the Group's attention to the study entitled "State of implementation of the United Nations Convention against Corruption: criminalization, law enforcement and international cooperation" (CAC/COSP/2013/CRP.7) which had been presented to the Conference at its fifth session. An update to this document was being prepared based on the completed reviews for presentation to the Conference at its sixth session. The secretariat also recalled the paper "Thematic overview of recommendations" (CAC/COSP/IRG/2014/10) and noted that the Group may wish to expand on its deliberations and consider how to ensure the consistency of the country reviews with a view to also assisting governmental experts in conducting the review, including drafting the country reports and formulating recommendations.

5. The secretariat presented an overview of the key thematic findings in the implementation of chapters III and IV of the Convention, analysing 68 completed country reviews. The oral update also responded to Resolution 5/2, "Strengthening the implementation of the criminalization provisions of the United Nations Convention against Corruption, in particular with regard to solicitation", which requested the Secretariat to provide a short update on the progress made and the challenges encountered in implementing the Resolution. The overall trends and findings had remained largely consistent with those identified in the thematic and regional implementation reports previously presented to the Conference and the Group.

6. Concerning the implementation of chapter III of the Convention, challenges continued to relate most often to the prosecution, adjudication and sanctioning of corruption-related offences (article 30 of the Convention), the freezing, seizure and confiscation of assets (article 31), specialized authorities (article 36) and the bribery of public officials (article 15). Challenges were also identified regarding illicit enrichment (article 20), the laundering of the proceeds of corruption (article 23), as well as the bribery of foreign public officials and officials of public international organizations (article 16) and the protection of reporting persons (article 33). With respect to good practices in implementation, these continued to relate to the establishment and strengthening of specialized authorities (article 36), the freezing, seizure and confiscation of assets (article 31), cooperation between national

authorities (article 38) and the prosecution, adjudication and sanctioning of corruption-related offences (article 30).

7. It was noted that the reviews had identified several key issues that reflected a certain diversity in interpretation of provisions of the Convention and consequently had led to disparate recommendations being issued. These differences were observed most notably in the areas of immunities for persons who self-report the commission of offences (sometimes termed "effective regret" or "spontaneous confession" provisions) and in the assessment of the effectiveness of sanctions for corruption offences. The matter of reporting on the practical application of the Convention was also highlighted, as a number of States parties encountered challenges in the collection, consolidation and accessibility of statistical data on implementation, which presented challenges in the practical assessment and evaluation of effectiveness in implementation. The secretariat noted that these issues could benefit from further analysis as the Conference and the Group consider the assessment of the follow-up measures taken by States to the reviews of the first cycle and the structuring of the next review cycle.

8. With regard to chapter IV of the Convention, the Secretariat reported on the most important trends arising from the completed reviews of the ongoing first cycle of the Review Mechanism with regard to chapter IV of the Convention. The presentation included an analysis of the most prevalent challenges and good practices and the cross-cutting findings of the reviews, such as the importance of statistical data collection and the time needed for granting international cooperation. Further, the presentation discussed topics in which divergent conclusions were made in the country reports, presenting ongoing discussions and developments in the interpretation of the Convention. Those related to requirements with regard to extraditable offences, dual criminality, process guarantees in extradition procedures, and the compliance with article 46, paras. 7, 9-29 of the Convention (direct application of the framework provided by the Convention to mutual legal assistance requests).

9. According to guidance provided by the Group, a panel discussion was organized to facilitate the Group's deliberations on the review of implementation.

10. A panellist from Israel underlined that the Review Mechanism had proved very useful to assess the implementation of the Convention in his country. Israel had taken steps to bring domestic law into compliance with the Convention even before ratification, which included the adoption of new and more specific criminalization provisions, for example, on foreign bribery, and the implementation of some of the optional provisions of the Convention, such as trading in influence. Concerning the lessons learned from the review of his country, he emphasized the value of making the review process as inclusive as possible, involving not only a great number of officials on all levels, but also civil society and the private sector. Another aspect of the review process that was identified favourably was the possibility to comment on the draft observations and recommendations. This greatly helped to align recommendations with the country's legal system and thus facilitate their subsequent implementation.

11. A panellist from the Philippines equally stressed the advantages of an inclusive review process, reporting that they had involved stakeholders from all three branches of Government as well as civil society in a national dialogue. After the

publication of the review report, a national conference was organized to review the recommendations identified in the review and to prioritize their implementation. As a result, in 2013, the President issued an Executive Order to provide for the effective implementation of the Convention and the establishment of a high level UNCAC Oversight Committee. This committee, under the leadership of the Office of the Ombudsman, also includes civil society organizations and the private sector and is tasked with monitoring the implementation of the recommendations made by the review.

12. A panellist from Ghana reported that his country had identified a number of legislative gaps immediately after acceding to the Convention. As a consequence, existing laws were amended and new laws were passed, including laws on public procurement, money laundering, conflict of interests and whistle-blower protection. He noted that, as a consequence of the country review process, the legislative framework and institutional would again be strengthened and brought further in line with the Convention. A new fund has been established to provide funding to independent institutions like the Commission on Human Rights and Administrative Justice which has responsibility for anti-corruption. Finally, the panellist highlighted that the anti-corruption action plan was being updated to implement the remaining recommendations from the review report.

13. In the ensuing discussion on chapter III, many States reported to the Group on their national implementation efforts and provided updates on domestic reform measures taken in preparation for or during the course of the reviews, including concrete follow-up actions taken to address recommendations made during the course of the review. Most frequently, the actions undertaken at the domestic level related to the development of national strategies against corruption in line with the Convention; legislative reforms, including in respect of transnational bribery, money laundering and illicit enrichment; strengthening investigative, prosecutorial and judicial capacity; enhancing inter-agency coordination; and establishing measures to protect witnesses, experts and reporting persons.

14. Several speakers highlighted measures their countries had adopted with a view to facilitating the seizure and confiscation of the proceeds of corruption, including the introduction of value based, extended, and non-conviction based confiscation, as well as the establishment of specialized agencies or units tasked with asset recovery and the management of seized and confiscated assets. Moreover, one speaker highlighted the possibility of using technology to achieve the equivalent effect of rapid lifting of bank secrecy. It was noted that in designing national reform measures, a number of States parties had been oriented by the good practices and lessons learned in other countries as identified through the country reviews, and had specifically consulted the publicly available country review reports and executive summaries. States also reported on enhanced enforcement action leading in many cases to the conviction of offenders in high-level corruption cases, as well as the successful recovery of significant amounts of proceeds of corruption.

15. In a number of countries, national action plans had been created to follow up on review recommendations and coordinate activities. Several speakers reported on the benefits of undergoing the review process, including with respect to the exchange of ideas and experience among States and to identify areas for policy reform as well as technical assistance needs. The important role of the Review

Mechanism in enhancing implementation and cooperation among States was emphasized by many speakers.

16. Many speakers reported that a key outcome of States participating in the review process was the opportunity to establish or enhance domestic coordination mechanisms, in particular as a tool for implementing the recommendations of the reviews. In a number of States parties, national steering committees or inter-governmental task teams had been created to coordinate the implementation of the Convention and the review process itself, and this coordination was described as indispensable for effectiveness of the process.

17. Several speakers highlighted the important role of broad consultations at the national level, including involving non-governmental stakeholders, in the context of the Review Mechanism, both at an early stage in preparation of the self-assessment as well as during the country visit, and in the process of the accompanying reforms. This engagement was considered especially important in raising broad public awareness of the Convention and the Review Mechanism.

18. One positive by-product of undergoing country reviews had been the establishment or strengthening of national systems on data collection and statistical reporting. Although several speakers highlighted challenges in this area and the need for additional work to identify appropriate indicators, echoing the introductory remarks by the secretariat, speakers also noted that statistics should not be the exclusive measure used to assess effectiveness in implementation of the Convention.

19. The need to ensure consistency in the observations and recommendations emanating from the reviews was noted as indispensable for ensuring effective implementation of the Convention. The secretariat's attempts to identify these areas and strengthen consistency among reviews were welcomed. Some speakers suggested that the recommendations issued in the reviews be compiled in a list with a view to issuing standardized recommendations for the provisions of the Convention provisions and allowing a fuller analysis of technical assistance needs, and in this context States were urged to consider publishing the full review reports. Some speakers highlighted the need for States to implement non-mandatory provisions of the Convention. Speakers also welcomed efforts to ensure synergies of the reviews with other international review mechanisms. Finally, several speakers thanked UNODC and other technical cooperation partners, as well as donors, for supporting States parties in implementing the Convention and participating in the reviews.

20. With regard to chapter IV, speakers emphasized measures taken for the implementation of relevant provisions of the Convention and presented recent national reforms and initiatives with regard to practical aspects of international cooperation under the Convention. Several speakers reported that international cooperation legislation had been updated or relevant legislative amendments had been initiated, based on the recommendations from country reviews. One speaker reported that a mutual legal assistance law with detailed procedural requirements had been created on the basis of the recommendations of the country report, and that the number of international cooperation cases had since increased.

21. Some speakers reported on the conclusion of new treaties on mutual legal assistance and the establishment of joint investigative teams. Another speaker

highlighted the strengthening of cooperation of the police, tax and financial intelligence authorities of his country with their counterparts. Further, measures to strengthen regional cooperation were reported.

22. One speaker reported on the successful completion of an extradition by another country of the same region. A number of speakers highlighted the importance of asset recovery. They welcomed successful asset recovery measures and highlighted the persisting challenges in the field, calling upon States parties to remove barriers to asset recovery and making reference to the upcoming second review cycle. Also in regard to the second cycle, some speakers reported on preventive measures that had been adopted or strengthened in their countries.

23. Focusing on the consistency of review recommendations, one speaker stated that the recommendation to conclude new treaties could be in some cases replaced by a recommendation to provide assistance without a treaty basis or to use the Convention as a legal basis. With regard to extraditable offences, another speaker highlighted that States should have some flexibility with regard to non-mandatory offences under the Convention.

24. [...]

C. Drawing of lots

25. [...]

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IV. Performance of the mechanism for the Review of Implementation of the United Nations Convention against Corruption

1. The Conference, in its decision 5/1, decided that the Implementation Review Group should begin promptly to collect, with the support of the secretariat, and discuss relevant information to facilitate the assessment of performance of the review mechanism in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle. It further had decided that the Group should include in its future sessions an agenda item allowing for the discussion of such information.

2. In order to facilitate the discussion under this agenda item, a note by the secretariat on assessment of the performance of the Implementation Review Mechanism (CAC/COSP/IRG/2015/3) was presented. This note built on discussions held by the Group at its fifth and resumed fifth sessions on matters related to the performance of the Mechanism and documentation provided by States in response to calls for information to be provided in implementation of decision 5/1 of the Conference.

3. Contributions received from States on the assessment of the performance of the Mechanism were contained in conference room paper CAC/COSP/IRG/2015/CRP.5. Such comments focused, inter alia, on suggestions for the follow-up to the first cycle; funding; timelines for country reviews and the effectiveness of the review process; as well as the launch and the scope of the second review cycle. In the introduction of the agenda item, reference was made to the impact of the Mechanism at the national level and several contributions referred to the Mechanism as a well-functioning tool for the review of implementation of the

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Convention. The preparation of national action plans and the increased domestic coordination as result of the review process was outlined.

4. Most speakers concurred that the Conference could launch the second cycle at its Sixth Session, with the drawing of lots being carried out at the subsequent session of the Group, in June 2016. In addition, the possibility of the Conference reconsidering the architecture of its subsidiary bodies in order to avoid any overlaps of issues discussed by the Group and the Working Groups was pointed out. With regard to the substantive outcome of the reviews and the analytical work done on implementation of the Convention, a potential shift in focus of the Mechanism towards results might be envisaged. In this respect, States would need to be able to collect, collate, process and evaluate information on implementation and technical assistance would need to be available in supporting the achievement of such results.

5. The revised comprehensive self-assessment checklist for the review of Chapters II (Preventive measures) and V (Asset recovery) of the Convention was made available to the Group, in all official languages of the United Nations, for discussion (document CAC/COSP/IRG/2015/CRP.1). The Secretariat provided an overview of the developments and consultations regarding the revised comprehensive self-assessment checklist. Detailed explanations on the proposed flow of questions and the introduction of additional features, such as guidance boxes, were provided. It was emphasized that the guidance boxes were merely suggestions designed to assist focal points in providing focused and relevant information on implementation. In addition, a comparison was made of the length of the revised document with the previous version, highlighting the streamlining effort made, while preserving the methodology as well as the depth and quality of the self-assessment checklist.

6. Many speakers highlighted the importance of the Mechanism in the fight against corruption, and expressed their confidence in the Mechanism as a well-functioning tool. In addition, the important role the Mechanism has played in fostering international cooperation in the implementation of the Convention was underscored. A number of speakers referred to the guiding principles and characteristics of the Mechanism and emphasized the need for those to be preserved.

7. Several speakers shared their experience of the review process, both as reviewing States and States parties under review. Several speakers underscored the importance of direct dialogue to foster better understanding of the implementation of the Convention as well as to exchange experiences. The difficulties in complying with the indicative timelines, in particular for the completion of the self-assessment checklist, were noted and some speakers reaffirmed the need for flexibility in this regard. The complementary nature of other regional and sectoral anti-corruption review mechanisms was also mentioned. Several speakers welcomed steps towards transparency in the review process and informed the Group that their country review reports had been made publicly available, encouraging others to take similar steps.

8. Several speakers referred to the guiding principle of inclusivity of the Mechanism and welcomed the involvement of stakeholders, such as non-governmental organizations, the private sector and academia in national country review processes that had been the overall trend in direct dialogue. Some of them also felt that the participation of non-governmental organizations as observers in the Working Groups and the Implementation Review Group would enhance the work of

the Mechanism. In this context, it was suggested to consider opening the standing agenda item on technical assistance to NGO participation. Several other speakers, however, stressed the intergovernmental nature of the Mechanism and recalled the delicate compromise reached at the third and fourth sessions of the Conference.

9. Several speakers welcomed the ongoing work of the secretariat on preparing a draft analytical study on the state of implementation of Chapters III (Criminalization and law enforcement) and IV (International Cooperation) of the Convention, to be presented to the Conference at its sixth session. Several speakers also referred to the issue of consistency across reviews, noting that the Mechanism was an ongoing learning exercise for all concerned. The diversity of legal systems and approaches to implementation was to be taken into account, and the secretariat played a role in supporting consistency of the observations as well as the interpretation of the provisions of the Convention by States parties. Some suggestions were made to improve substantive consistency, such as an overview of common observations per article.

10. Many speakers urged the Group to seize the opportunity of the first cycle drawing to a close and highlighted the importance of follow-up to the observations made in the country review reports. In this regard, several speakers expressed their preference for a structured approach. Suggestions were made concerning the format that could be used for such follow-up, including scheduled oral reports to the Group under a possible stand-alone agenda item as well as short written updates. National action plans were noted as a useful tool to implement the observations emerging from the country reviews.

11. One speaker noted that consideration of such follow-up on implementation of observations was at the core of assessing effectiveness of the Convention's implementation, and reiterated the need for technical assistance to be provided upon request in implementing the observations.

12. Speakers concurred that the mandate of the current subsidiary bodies of the Conference might be reconsidered, when the second cycle becomes operational in order to better align substantive discussions with those that would be taking place in the Implementation Review Group. In order to avoid overlap, proposals included refocusing the existing Working Groups on issues related to criminalization and international cooperation in order to follow-up on the recommendations made in the first cycle, and folding the thematic discussions on Chapters II and V within the work of the Implementation Review Group. Another proposal aimed at maintaining the working groups on asset recovery and on prevention focused on the substantive discussion of the outcomes of the second cycle reviews, while the Implementation Review Group would focus on the general review of progress as well as issues related to process. One more proposal was to maintain the working groups on prevention and asset recovery and establish additional working groups to consider follow-up to the implementation of the chapters under review in the first cycle.

13. Several speakers welcomed the revised version of the comprehensive self-assessment checklist made available to the Group. Some speakers continued to voice concern about the length of the revised comprehensive self-assessment checklist, while others stated their preference for preserving the self-assessment checklist used during the first cycle of the Mechanism. Some speakers expressed their readiness to recommend that the Conference endorse the revised

comprehensive self-assessment checklist, while others indicated that they were not yet in a position to do so.

14. Many speakers indicated that the scope of the second cycle should remain as decided by the Conference in Resolution 3/1 and include both Chapter II (Preventive measures) and Chapter V (Asset recovery) of the Convention, while some indicated their preference for focusing on one of these chapters or on specific selected provisions of the Convention with the remaining provisions to be reviewed in a subsequent cycle.

15. With regard to the second cycle of the Mechanism, many speakers reiterated their readiness to see it launched at the sixth session of the Conference, and to initiate the reviews for the second cycle by the drawing of lots at the seventh session of the Group to be held in June 2016. The issue of completion of the first cycle was referred to, with some States noting that, due to the ongoing ratification and accession process, those new States would have to undergo first cycle reviews, and their second cycle reviews should be deferred to the last year of that cycle.

16. The case of those States whose reviews were likely not be completed latest by the seventh session of the Group, including States with which difficulties in communication had arisen, would need to be considered by the Conference. It was suggested that these States could be invited to provide a voluntary action plan for the finalization of their review and one speaker felt that those States would have no objection to their fellow States proceeding with reviews of the second cycle. In determining action to be taken, both the non-punitive nature of the Mechanism and the need for an effective review process were recalled. It was also noted that practical measures to improve the functioning of the Mechanism could be adopted, such as the Bureau or Extended Bureau conducting the drawing of lots.

17. In order to advance in the consideration of these issues, several speakers welcomed the proposal that informal consultations be convened under the auspices of the Bureau in the period leading up to the sixth session of the Conference. Speakers recalled that the Conference had the sole authority for any resolutions or decisions to be adopted. In this context, some speakers emphasized the importance of clearly defining the scope of such consultations and states that the terms of reference of the Mechanism should not be re-negotiated.

18. [...]

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V. Technical assistance

1. The secretariat provided a general overview of how the Implementation Review Mechanism had impacted the provision of technical assistance by defining needs and creating new opportunities for technical cooperation. The importance of the provision of technical assistance to support the efforts of States to implement the recommendations of the reviews was stressed.

2. The secretariat provided an oral update on technical assistance needs identified through the individual country review processes that had been finalized since the resumed fifth session of the Group. In total, needs for technical assistance had been identified in 59 out of the 97 executive summaries that have been completed. An overview was presented of the numbers of States per region and the types of needs identified. Attention was drawn to the predefined categories of technical assistance needs contained in the self-assessment checklist and how these could be grouped to give a better indication of the typologies of assistance that were required. The secretariat further highlighted recent trends in the needs identified per article of the Convention.

3. A panel discussion was held to facilitate the Group's deliberations. A panellist from the Brazilian Federal Prosecution Service's International Cooperation Unit presented on the cooperation currently underway with the Prosecution Service of Sao Tome and Principe, which was based on the findings of the review of Sao Tome and Principe. She outlined that support provided through the cooperation project ranged from training programmes, development of practical manuals to the provision of books, computers and electronic equipment. Brazil further reported that similar cooperation was being provided to Cabo Verde, Cuba and Mozambique.

4. A panellist from the Malaysian Anti-Corruption Commission explained that he had been part of the group of experts that was involved in the implementation

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review of Palau. Subsequent to this, and in cooperation with the secretariat, Malaysia was engaged to support Palau's preparation of the draft Self-Assessment Checklist (CAC/COSP/2013/3) for Chapter II of the Convention. Their knowledge of the Palauan legislation and relevant stakeholders, drawn from their participation in the review of Palau was of great benefit to this process.

5. A panellist from Micronesia (Federated States of) presented on how the Micronesian Government had embedded a legal specialist within the Department of Justice to ensure follow up and coordination of the efforts to address the findings of their review. The panellist also highlighted how the specific challenges of Small Island Developing States had impacted their capacity to effectively implement national anti-corruption reforms. She stressed that the Implementation Review Mechanism and the support provided by the secretariat, both before and after the review, had allowed Micronesia to make significant progress in addressing such challenges and in fighting corruption. Assistance had included legislative drafting support as well as a host of training events for judges, prosecutors and investigators.

6. [...]

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Conference of the States Parties to the United Nations Convention against Corruption

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Implementation Review Group
Sixth session
Vienna, 1-5 June 2015

Draft report

Addendum

V. Financial and budgetary matters

1. The Secretariat submitted updated budgetary information on expenditures incurred to date for all five years of operating the first cycle of the Mechanism, revised estimates for the second, third, fourth and fifth years till the end of 2015 and projected resources required after 2015 to fully complete the first cycle. The Secretariat stressed that the post-2015 projections would change depending on the date of launching the second cycle. The Secretariat also detailed the resources received from both the regular budget of the United Nations and voluntary contributions and cost-saving measures it had put in place.

2. In addition, and in response to a request by the resumed fifth session of the Implementation Review Group, the Secretariat presented to the Group the projected costs for the functioning of the second cycle of the Mechanism during its first two years of operation, which the Secretariat estimated to total 10.995,000 USD for the review of 90 States parties. In comparison, the projected costs for the full completion of the first cycle were estimated to total 23,995,000 USD for the review of all States parties. The Secretariat clarified that additional projected costs for the 2nd cycle resulted from a required increase in staffing and translation.

3. The Secretariat expressed its appreciation for the voluntary contributions made by States to support the Mechanism, including pledges announced shortly before and during the present session of the Group.

4. Speakers expressed their satisfaction with the transparency of reporting on the funding of the Mechanism and the clarity of the documents before them. Several speakers welcomed the sound financial management exercised by the Secretariat and the overall cost effectiveness and good value for money of the Review Mechanism. One speaker highlighted that the cost-saving policy followed by the Secretariat had resulted in decreasing expenditures. Another speaker contrasted the

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moderate costs of the Review Mechanism with the high global financial and economic cost of corruption, and stressed that the Review Mechanism was the only existing peer review mechanism with a nearly global constituency. Speakers discussed the funding requirements detailed in CRP.6, especially with regard to the requirements for translations, interpretation and staffing. Some speakers called for strengthened measures to increase cost efficiency, including through further streamlining of work processes.

5. With regard to the financing of the 2nd cycle of the Review Mechanism, a number of speakers underlined the importance of sufficient and predictable funding that enabled the Mechanism to function in an impartial and objective manner. Many speakers expressed concerns about the remaining uncertainty about how to meet the funding requirements for the second review cycle.

6. Many speakers stated their support for the current mixed funding model, with parts of the support to and operation of the Mechanism funded from the regular budget of the United Nations and other parts from voluntary contributions, in line with resolution 3/1 of the Conference and the terms of reference of the Mechanism. They also expressed their continuing support for the corresponding model of covering shortfalls, in line with resolution 4/1. Other speakers expressed the view that the Mechanism should be funded from the regular budget of the United Nations in order to ensure sustainability and impartiality. On the other hand, some speakers objected to submitting additional funding requirements to the regular budget process, and one speaker stressed that an agreement on the launch and scope of the second cycle required clarity on the corresponding funding models. One speaker stated that rather than increasing regular budget funding, the compromise reached in resolution 4/1 could be extended over a longer period of time. Generally it was stressed that decisions on the regular budget could only be taken by the appropriate bodies established by the General Assembly.

VI. Other matters

7. The representative of the Russian Federation briefed the Group on preparations for the upcoming sixth session of the Conference of the States Parties to be held from 2 to 6 November 2015 in Saint Petersburg, Russian Federation. The offer of the Russian Federation to host the sixth session had been welcomed at the fourth session of the Conference held in 2011 in Marrakech, Morocco and a National Organizing Committee had been subsequently established. The Committee was headed by the Minister of Justice and represented by its Secretary at the Group. The Committee was working together with a range of institutions to prepare logistics and schedules, and had selected an operator company to assist. The venue had been identified and was in the centre of the city, with transport to be provided for delegations to and from hotels. The venue was appropriate for large meetings and had sufficient space to accommodate the plenary, parallel meetings, the media and secretariat facilities. A planning mission by UNODC under the auspices of the Committee had been carried out and had enabled consultations on such matters as security, media, technical infrastructure and protocol. The National Organizing Committee had concluded agreements with ten hotels for preferential room rates for delegates. The Committee had set up a template for the Host Country's conference website and logo, and the Bank of Russia was to issue a commemorative coin. The

host country agreement between the Russian Federation and the United Nations was in its final stages.

8. [...]

VII. Provisional agenda for the seventh session of the Implementation Review Group

9. At its 10th meeting, on 5 June 2015, the Implementation Review Group adopted the provisional agenda for the seventh session of the Implementation Review Group (CAC/COSP/IRG/2015/L.2).

VIII. Adoption of the report

10. On 5 June 2015, the Implementation Review Group adopted the report on its sixth session (CAC/COSP/IRG/2015/L.1 and Add.1-4).

United Nations CAC/COSP/IRG/2015/L.2

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Provisional agenda for the seventh session of the Implementation Review Group

1. Organizational matters:
   (a) Opening of the session;
   (b) Adoption of the agenda and organization of work.
2. Review of implementation of the United Nations Convention against Corruption.
3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
4. Technical assistance.
5. Financial and budgetary matters.
6. Other matters.
7. Provisional agenda for the eighth session of the Implementation Review Group.
8. Adoption of the report of the Implementation Review Group on its seventh session.

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